

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1544 of 1999

SPECIAL CIVIL APPLICATION No 1549 of 1999

SPECIAL CIVIL APPLICATION No 1553 of 1999

SPECIAL CIVIL APPLICATION No 1555 of 1999

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SPECIAL CIVIL APPLICATION No 1887 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and

MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 No

HEMA CHEMICAL CO.

Versus

STATE OF GUJARAT

Appearance:

NANAVATI & NANAVATI for Petitioners

MR N.D. GOHIL, AGP for the State

MR HARESH TRIVEDI for the GPCB

MR YOGESH F MEHTA for GIDC

CORAM : MR.JUSTICE S.D.DAVE and

MR.JUSTICE J.R.VORA

Date of decision: 08/04/99

1. Under our earlier orders dated November 13, 1998, we have exonerated certain industries from the main two petitions, namely, Spl.C.A. No. 14019 of 1994 and Spl.C.A. No. 6926 of 1994. In those proceedings, the notices or rule, as the case was, came to be discharged. That was done regard being had to certain factors which would go to show that the behaviour on the part of the industries was found to be upto the satisfaction of the GPCB.

2. In our earlier orders, we have noticed that those industrial units which came to be exonerated from the main proceedings had become the members of CETP and they have enrolled themselves as the members of the Association. The CETP also has been granted the consent under the Water Act, 1974 under the orders dated April 7, 1998. Thus, not only the member units but the CETP was also having a valid consent and they were on the valid consent status. Looking to this aspect into consideration, we had ordered that those industries shall stand exonerated from the main proceedings.

3. Today, we have got these five industries before us asking for the similar relief. They also stand on a similar footing. These units have become the members of the CETP and they have enrolled themselves as the members of the Association. The CETP also, as noticed in our earlier orders, has been given the consent under the Water Act, 1974. Thus, not only the industrial units individually but the CETP also are on a valid consent status. Their functioning has been found to be satisfactory by the GPCB, which fact is being reflected from the reports both of inspection and analysis being presented by the GPCB.

4. Therefore, in our opinion, accepting the principle of our earlier orders dated November 13, 1998, these petitions require to be allowed and these industries require to be exonerated from the main proceedings. The notices or the rule, as the case may be, against these industries in the main proceedings shall stand discharged. These proceedings therefore shall stand disposed of with these orders.

5. For the purpose of effective management of the industrial effluent of these industries, we had given certain directions in the last paragraph of the orders dated November 13, 1998. The very same would be the directions for these industries also.

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